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EXAMINER

GYORFI, THOMAS A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,556

Applicant(s)

HAN ET AL.

Examiner

Tom Gyorf

Art Unit

2135

-- **Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 remain for examination. The correspondence filed 5/24/06 added claims 26-30.

Response to Amendment

2. The declaration under 37 CFR 1.132 filed 5/24/06 is insufficient to overcome the former rejection of claim 12 based upon Kuba in view of Applicant Admitted Prior Art as had been set forth in the Office Action of 6/21/05 because it refer(s) only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716. Additionally, it is noted that the declaration has not been executed by all interested parties: there is no evidence in the prosecution history that inventor Seog Yeon Han is the sole inventor of the relevant subject matter, nor has the declaration been signed by any of the remaining inventors.

As acknowledged by Applicant in the amendment of 5/24/06, Examiner is no longer using any portion of Applicant's disclosure in the rejection of claim 12 or any other claim of the instant application (amendment, page 11, lines 8-9). Thus, even if the declaration had been granted, it would be moot as the declaration fails to overcome the current rejection of claim 12 over Kuba in view of ECMA, as well as the rejection of claim 12 over Kuba in view of D-Store in view of ECMA.

Drawings

3. Amended drawings were received on 12/21/05. These drawings are objected to, as there is insufficient evidence to withdraw the "Conventional Art" tag from Figures 9A and 9B (see above).

Response to Arguments

4. Applicant's arguments filed 5/24/06 have been fully considered but they are not persuasive.

5. Applicant argues, *"In paragraph 4 at page 2 of the Office Action, the Examiner asserts that Applicants rely on features that are not recited in the claims ('rewritable disk need be a DVD'). However, rewritable disks are recited in independent claims 1, 4, 8, 13, and 15, and that rewritable disks are DVDs are recited in claims 26-30"*. Examiner respectfully submits that Applicant has misunderstood Examiner's argument presented in the previous Office Action. Examiner has never disputed that "rewritable disks" were claimed in independent claims 1, 4, 8, 13, and 15. Rather, the term "rewritable disk" is a broad term in the art that encompasses a number of technologies, of which DVDs are but one example. This would appear to be acknowledged by Applicant in the disclosure and in Applicant's remarks by the continued use of the phrase "rewritable disk *such as* a DVD" [Emphasis Examiner's] or an equivalent thereof (e.g. instant specification: page 1, lines 5-15; amendment of 5/24/06: page 11, lines 2-3 & 16; page 12, lines 8-9). It is also noted that Applicant has chosen to add claims 26-30 to explicitly stipulate that the rewritable disk must be embodied as a DVD, and that these are the only claims where this is explicitly recited. Thus, independent claims 1, 4, 8, 13, and 15 are not limited to embodiments

wherein the storage medium is a DVD, but can apply to any rewritable disk technology. As Kuba and D-Store each disclose at least one type of rewritable disk technology in an embodiment of those inventions, the references thus read on those claims. See also MPEP 2173.05(d) regarding the use of the phrase "such as".

Applicant further argues, *"In paragraph 5 at page 3 of the Office Action, the Examiner further points to Kuba at column 22, lines 55-62, which includes that statement: 'While the above description concerned with the IC memory card camera, it is more effective to use optomagnetic disks or like large capacity storage media in lieu of the IC memory card 14.' However, this statement fails to disclose or suggest a rewritable disk (claims 1, 4, 8, 13, and 15 of the present invention, much less a DVD (claims 26-30))".* Examiner strongly disagrees with this contention. Examiner notes that the Kuba invention requires some type of memory medium that supports the ability to be rewritten (see Figures 32A-32C, and col. 24, lines 22-45). For example, Figure 32A depicts the camera physically rewriting the values of memory locations designated 31(a) and 31(c) on the memory card [the disclosed embodiment] as part of a memory swap operation that is otherwise well known in the art; Figures 32B and 32C illustrate similar actions. Logically, it then follows that any replacement for the IC memory card must be able to support every disclosed function attributed to said IC memory card in order for the substitute memory medium to be considered at least as effective as the IC memory card, let alone to be considered more effective as recited by Kuba. As acknowledged by Applicant above, Kuba clearly and explicitly states that one may replace the memory card with a [optomagnetic] disk in a preferred embodiment of that invention. Therefore, it stands to reason that the optomagnetic disk of the preferred embodiment of the Kuba invention supports the above functionality and thus must be inherently rewritable.

Applicant further argues, *"In paragraph 10 at pages 10-17 of the Office Action, the Examiner combines Kuba with D-Store. D-Store pertains to microdrives that can be incorporated into handheld electronic devices such as notebook PCs and digital cameras. However, D-Store fails to disclose or suggest a rewritable disk such as a DVD"*. This is incorrect. The reference clearly establishes that the microdrive is a hard **disk** drive (page 2, "With capacities of 340MB or 170MB on a single hard disk drive..."), wherein the key component that stores the data is a **disk** (see the picture on page 2). It is inherent to hard disk drives, and has been very well known in the art, that hard disk drives are rewritable.

Applicant further argues, *"As a result, Kuba clearly fails to anticipate the present invention. The combination of Kuba with D-Store (and also ECMA) would fail to motivate one of ordinary skill in the art to produce an embodiment of the invention using a rewritable disk such as a DVD. A prima facie case of obviousness has thus not been made"*. With respect to claims 1-25, Examiner disagrees, again noting that those claims do not recite a DVD but merely the broader limitation of "rewritable disk". Examiner has repeatedly established above and in prior Office Actions that the cited references disclose a "rewritable disk". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Art Unit: 2135

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kuba discloses a camera that uses an IC memory card, with a suggestion to use disk-based alternatives in lieu of the memory card. D-Store discloses a disk-based rewritable medium [the microdrive] specifically intended for use in digital cameras [i.e. the Kuba invention] as a replacement for an IC memory card, wherein the microdrive has at least two explicitly disclosed advantages over IC memory: storage capacity and speed (D-Store, page 2). Examiner maintains that it would be immediately obvious to use the microdrive of D-Store in the camera of Kuba in order to obtain the aforementioned advantages, resulting in an embodiment wherein the storage method is practiced on a rewritable disk.

6. Applicant's arguments with respect to new claims 26-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-11 and 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (U.S. Patent 5,806,072).

Referring to Claim 1:

Kuba discloses a file managing method in reproducing a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking the file names, directories, or names and directories of files written in the rewritable disk (col. 27, lines 5-15);

(b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data (col. 27, lines 5-25; col. 31, lines 30-35);

(c) conducting a correction operation, if demanded (col. 27, lines 40-45; col. 28, lines 1-10).

Referring to Claim 2:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, wherein the reason why the reproduction is impossible is contained in said message (col. 28, lines 35-50).

Referring to Claim 3:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, steps (a) and (b) are conducted when the reproduction is requested (col. 28, lines 35-50).

Referring to Claim 4:

Kuba discloses a file managing method in recording a data stream in a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk (col. 51, lines 5-30);

Art Unit: 2135

(b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file (col. 51, lines 15-30); &
(c) conducting a correction operation, if demanded (col. 51, lines 20-30).

Referring to Claim 5:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of recording received data as requested if the request of record is received again after the message being provided (col. 51, lines 20-30).

Referring to Claim 6:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of deleting information received when the file record is requested if the request of record is cancelled after the message being provided (col. 26, lines 20-30).

Referring to Claim 7:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, wherein the reason why the later reproduction would fail is contained in said message (col. 51, lines 20-35).

Referring to Claims 8 and 13:

Kuba discloses a method conducted in a computer for-managing files written in a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking the file type if the file is requested to be renamed or moved (col. 27, lines 5-20); and

(b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types (col. 27, lines 10-20); and

(c) conducting a correction operation, if demanded (col. 28, lines 20-50).

Referring to Claims 9 and 14:

Kuba discloses the limitations of Claims 8 and 13 above. Kuba further discloses, wherein the correction operation comprises the step of renaming or moving the file as requested, if the requested file operation is demanded again after the message being provided (col. 51, lines 20-30; col. 24, lines 45-60).

Referring to Claim 10:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file type is indicative of a file containing real-time data (col. 31, lines 60-65; col. 49, lines 30-50).

Art Unit: 2135

Referring to Claim 11:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file types are designated by means of file names defined in a file system standardized for a rewritable disk containing real-time data stream (col. 27, lines 20-40).

Referring to Claim 15:

Kuba discloses a file managing method in recording data stream in a rewritable disk (col. 22, lines 55-61), comprising the steps of: (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream (col. 27, lines 5-30); (b) correcting the file structure of the rewritable disk if the file structure is against the standard file system (col. 27, lines 10-20) and (c) writing input data stream in a data file belonging to the corrected file structure (col. 27, lines 10-15).

Referring to Claim 16:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses, wherein said step (a) determines that the file structure is against the standard file system if a directory pre defined in the standard file system is not found (col. 27, lines 5-20; col. 28, lines 1-30).

Referring to Claim 17:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses wherein said step (a) determines that the file structure is against the standard file system if the file name of a data file containing real-time data stream is different from the file name pre-defined in the standard file system (col. 27, lines 35-55; col. 28, lines 30-50).

Referring to Claim 18:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses the file structure is against the standard file system if the file recording information written in a navigation file does not accord with existing data stream files (col. 28, lines 35-50).

Referring to Claim 19:

Kuba disclose the limitations as discussed in Claim 15 above. Kuba further discloses copying the file structure before correction, and makes the copied file structure be distinguishable from the corrected file structure (col. 24, lines 45-65; col. 31, lines 15-30).

Referring to Claim 20:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses a message asking whether or not the requested recording operation is proceed if the file structure is against the standard file scheme, and corrects the file

structure of the rewritable disk if the requested recording operation is demanded again (col. 27, lines 10-30; col. 28, lines 15-40).

Referring to claims 21-25:

Kuba discloses the limitations as discussed in claims 1, 4, 8, 13, and 15 above. Kuba further discloses an embodiment wherein an opto-magnetic disk is used (col. 22, lines 55-60). In such an embodiment, it is inherent to the use of disk storage media that it would need to be inserted into a disk drive in order to perform its primary function.

Claim Rejections - 35 USC § 103

9. Claims 1-11 and 13-25 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba (U.S. Patent 5,806,072) and further in view of the previously cited article "D-Store IBM Microdrives" (hereinafter, "D-Store").

Referring to Claim 1:

Kuba discloses a file managing method in reproducing a [rewritable disk], comprising the steps of:

(a) checking the file names, directories, or names and directories of files written in the rewritable disk (col. 27, lines 5-15);

(b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data (col. 27, lines 5-25; col. 31, lines 30-35);

Art Unit: 2135

(c) conducting a correction operation, if demanded (col. 27, lines 40-45; col. 28, lines 1-10).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claim 2:

Kuba and D-Store disclose the limitations of Claim 1 above. Kuba further discloses, wherein the reason why the reproduction is impossible is contained in said message (col. 28, lines 35-50).

Referring to Claim 3:

Kuba and D-Store disclose the limitations of Claim 1 above. Kuba further discloses, steps (a) and (b) are conducted when the reproduction is requested (col. 28, lines 35-50).

Referring to Claim 4:

Kuba discloses a file managing method in recording a data stream in a [rewritable disk], comprising the steps of:

(a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk (col. 51, lines 5-30);

(b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file (col. 51, lines 15-30);
and

(c) conducting a correction operation, if demanded (col. 51, lines 20-30).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that

Art Unit: 2135

such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claim 5:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, the step of recording received data as requested if the request of record is received again after the message being provided (col. 51, lines 20-30).

Referring to Claim 6:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, the step of deleting information received when the file record is requested if the request of record is cancelled after the message being provided (col. 26, lines 20-30).

Referring to Claim 7:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, wherein the reason why the later reproduction would fail is contained in said message (col. 51, lines 20-35).

Art Unit: 2135

Referring to Claims 8 and 13:

Kuba discloses a method conducted in a computer for-managing files written in a [rewritable disk], comprising the steps of:

(a) checking the file type if the file is requested to be renamed or moved (col. 27, lines 5-20); and

(b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types (col. 27, lines 10-20); and

(c) conducting a correction operation, if demanded (col. 28, lines 20-50).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claims 9 and 14:

Kuba and D-Store disclose the limitations of Claims 8 and 13 above. Kuba further discloses, wherein the correction operation comprises the step of renaming or moving the file as requested, if the requested file operation is demanded again after the message being provided (col. 51, lines 20-30; col. 24, lines 45-60).

Referring to Claim 10:

Kuba and D-Store disclose the limitations of Claim 8 above. Kuba further discloses the pre-specified file type is indicative of a file containing real-time data (col. 31, lines 60-65; col. 49, lines 30-50).

Referring to Claim 11:

Kuba and D-Store disclose the limitations of Claim 8 above. Kuba further discloses the pre-specified file types are designated by means of file names defined in a file system standardized for a rewritable disk containing real-time data stream (col. 27, lines 20-40).

Referring to Claim 15:

Kuba discloses a file managing method in recording data stream in a [rewritable disk], comprising the steps of: (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream (col. 27, lines 5-30); (b) correcting the file structure of the

Art Unit: 2135

rewritable disk if the file structure is against the standard file system (col. 27, lines 10-20) and (c) writing input data stream in a data file belonging to the corrected file structure (col. 27, lines 10-15).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as that disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, page 2 in its entirety).

Referring to Claim 16:

Kuba and D-Store disclose the limitations of Claim 15 above. Kuba further discloses, wherein said step (a) determines that the file structure is against the standard file system if a directory pre defined in the standard file system is not found (col. 27, lines 5-20; col. 28, lines 1-30).

Art Unit: 2135

Referring to Claim 17:

Kuba and D-Store disclose the limitations of Claim 15 above. Kuba further discloses wherein said step (a) determines that the file structure is against the standard file system if the file name of a data file containing real-time data stream is different from the file name pre-defined in the standard file system (col. 27, lines 35-55; col. 28, lines 30-50).

Referring to Claim 18:

Kuba and D-Store disclose the limitations as discussed in Claim 15 above. Kuba further discloses the file structure is against the standard file system if the file recording information written in a navigation file does not accord with existing data stream files (col. 28, lines 35-50).

Referring to Claim 19:

Kuba and D-Store disclose the limitations as discussed in Claim 15 above. Kuba further discloses copying the file structure before correction, and makes the copied file structure be distinguishable from the corrected file structure (col. 24, lines 45-65; col. 31, lines 15-30).

Referring to Claim 20:

Kuba and D-Store disclose the limitations as discussed in Claim 15 above. Kuba further discloses a message asking whether or not the requested recording operation is

Art Unit: 2135

proceed if the file structure is against the standard file scheme, and corrects the file structure of the rewritable disk if the requested recording operation is demanded again (col. 27, lines 10-30; col. 28, lines 15-40).

Referring to claims 21-25:

Kuba and D-Store disclose the limitations as discussed in claims 1, 4, 8, 13, and 15 above. Kuba further discloses an embodiment wherein an optomagnetic disk is used (col. 22, lines 55-60). In such an embodiment, it is inherent to the use of disk storage media in general that it would need to be inserted into a disk drive in order to perform its primary function.

10. Claim 12 is twice rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba (alone and in view of D-Store) as applied to claim 8 above, and further in view of the previously cited ECMA-167 reference (hereinafter, "ECMA").

Referring to claim 12:

Kuba [and D-Store] disclose[s] the limitations as discussed in claim 8 above.

Neither Kuba nor D-Store explicitly disclose "step (a) refers to a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor".

ECMA discloses a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor (page 4/23, Figure 15 and "14.6 ICB Tag").

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kuba, by itself or in view of D-Store, with a 1-byte descriptor that defines the file. One of ordinary skill in the art would have been motivated to do this because the resulting invention would be compliant with a well-known internationally accepted standard for data storage on rewritable media, that offers much more functionality than previous standards (ECMA, "Brief History", 1st paragraph; see also page 4/3, Note 1 and page 4/11, Note 13).

11. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba as applied to claims 1, 4, 8, 13, and 15 above, and further in view of Taussig (U.S. Patent 6,590,607).

Regarding claims 26-30:

Kuba discloses all the limitations of claim 1, 4, 8, 13, and 15 above. Although Kuba does not explicitly recite wherein the rewritable disk is a DVD, Kuba does permit alternative memory media, including at least one type of rewritable disk, to be used in lieu of the IC memory card (col. 22, lines 55-61). Furthermore, Taussig discloses wherein it was known in the art to use DVDs as a storage medium for use in a portable, handheld camera (col. 3, lines 22-38). It would have been obvious to one of ordinary

Art Unit: 2135

skill in the art at the time the invention was made to use a DVD as the rewritable disk in the Kuba invention. The motivation for doing so would be to use a storage medium with a larger capacity than either contemporary IC memory cards or microdrives (cf. D-Store) and also to use a storage medium that is known to be well-suited for storing video data (Taussig, *Ibid*; Kuba, col. 52, lines 30-35).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S Patent 6,437,939 to Smith further expounds on the nature of microdrives as a type of rewritable disk technology (col. 1, lines 15-65)
- U.S. Patent 5,539,713 to Ido et al. discloses wherein optomagnetic disks were known to be rewritable (col. 1, lines 24-30)
- Additional pages from the previously submitted ECMA-167 reference: Part 1, pages 1/1 – 1/13; Part 4, pages 4/3, 4/11, 4/14-4/15, 4/21, and 4/24-4/32
- ISO/IEC 13346-4: "Volume and file structure of write-once and rewritable media using non-sequential recording for information interchange" pages 11-12 & 23-25
- Japanese Patents 11-215414 and 11-215415, regarding a handheld digital camera that records captured images directly to a DVD

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2135

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

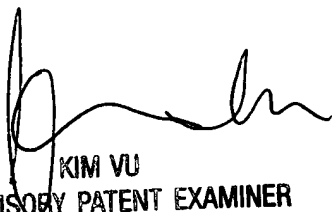
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
6/5/06



KIM VU
SUPERVISORY PATENT EXAMINER
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